

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRISTIAN ALVARADO,

Plaintiff,

v.

360 MORTGAGE GROUP, LLC,

Defendant.

Case No. 17-cv-04655 NC

**ORDER TO SHOW CAUSE
REGARDING DEFECTIVE
REMOVAL**

Re: Dkt. No. 1

Defendant 360 Mortgage Group, LLC removed this case from California state court on the basis of diversity jurisdiction. Dkt. No. 1 at 3. It is the Court's duty to examine whether it has subject matter jurisdiction over any case before it.

Federal courts are courts of limited jurisdiction and are presumptively without jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The defendant has the burden of showing removal of a state court action to federal court is appropriate. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Removal of a state court action to federal court is appropriate only if the federal court would have had original subject matter jurisdiction over the suit. 28 U.S.C. § 1441(a).

It is not clear that diversity of citizenship exists here, and so the existence of subject matter jurisdiction is uncertain. This is because defendant is a limited liability company, and the citizenship of each member of the company must be considered in the diversity analysis. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Johnson v. Columbia*
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1 *Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Defendant did not inform
2 the Court of the citizenship of the LLC's members. Thus, the Court ORDERS 360
3 Mortgage Group to SHOW CAUSE why the Court has subject matter jurisdiction over this
4 case. 360 Mortgage Group must file a response to this order by September 15, 2017. That
5 response may not exceed 5 pages in length. Otherwise, the Court will remand this case to
6 California state court.

7
8 **IT IS SO ORDERED.**

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10 Dated: September 1, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge